

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BRIAN MUNOZ,

Plaintiff,

v.

BENSON, et al.,

Defendants.

Case No. 3:24-cv-00048-ART-CLB

ORDER

I. DISCUSSION

This action is a *pro se* civil rights complaint filed pursuant to 42 U.S.C. § 1983 by an individual who was in the custody of the Nevada Department of Corrections at the time he initiated this case. At the time Plaintiff initiated this case, Plaintiff submitted an application to proceed *in forma pauperis* for prisoners. (ECF No. 1). In this Court's July 9, 2024, screening order, the Court deferred a decision on the application to proceed *in forma pauperis*. (ECF No. 5 at 8). A follow-up order also imposed a 90-day stay and the Court entered a subsequent order in which the parties were assigned to mediation by a court-appointed mediator. (ECF Nos. 7, 9). The parties did not reach a settlement at mediation. (ECF No. 13).

The Court now directs Plaintiff to file an application to proceed *in forma pauperis* by a non-prisoner **by January 3, 2025**, or pay the full filing fee of \$405. After the Court determines the matter of the payment of the filing fee, the Court will issue an order on the matter of service.

II. CONCLUSION

For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed *in forma pauperis* for prisoners (ECF No. 1) is DENIED as moot.

IT IS FURTHER ORDERED that the Clerk of the Court WILL SEND Plaintiff the approved form application to proceed *in forma pauperis* by a non-prisoner, as well as the document entitled information and instructions for filing an *in forma pauperis* application.

1 IT IS FURTHER ORDERED that **by January 3, 2025**, Plaintiff will either: (1) file a
2 fully complete application to proceed *in forma pauperis* for non-prisoners; or (2) pay the
3 full filing fee of \$405.

4 IT IS FURTHER ORDERED that if, Plaintiff does not timely comply with this order,
5 dismissal of this action may result.

6 IT IS FURTHER ORDERED that upon the resolution of the matter of the filing fee
7 this Court will issue a subsequent order on the matter of service.

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9 DATED: December 5, 2024

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11 UNITED STATES MAGISTRATE JUDGE
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